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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,001	04/20/2001	Harald Apfelthaler	KWO-17702/01	2739

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT PAPER NUMBER

3635

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

8K

**Office Action Summary**Application No.  
**09/839,001**Applicant(s)  
**HARALD APFELTHALER**Examiner  
**YVONNE M. HORTON**Art Unit  
**3635**

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Sep 10, 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_                      6) ☐ Other:

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## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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The claims are directed to a “terminal plug” for use with a muntin bar. However, the muntin bar is not a positive part of the claim limitations. Thus, the “terminal plug” is functionally recited as intended for use with a muntin bar. It is not clear if the applicant is attempting to claim the muntin bar in combination with the terminal plug. Until further clarification, the claims are interpreted as only a “terminal plug”.

4. Claim 10 recites the limitation "the spacer frame" in line 2. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 102***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,099,626 to SEEGER. SEEGER discloses the use of a plug (14) for a muntin bar (12,16); wherein the plug includes a body (22) fits into a hollow space formed by muntin (12,16) and a flange (26) that rests upon the exterior of the muntin bar (12,16) and the lateral ribs (36) press fit upon the interior of the muntin bars (12,16).

7. In view of the 35 USC 112 rejection noted above, claims 1-8 and 10-19 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,312,215 to ANQUETIN. Regarding claims 1,14 and 19, ANQUETIN discloses the use of a plug including a body (12) and a flange (4); wherein the body (12) expands and press fits against the article being retained thereby (see

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figure 9). In reference to claims 2-4 and 16, the plug further includes a longitudinal aligned slot (14) that penetrates the body (12), see figure 2. In reference to claims 14 and 19, ANQUENTIN further includes a plurality of spring elements (20,22,24). Regarding claims 5-6 and 11, the slot (14) has a width that is greater at the upper end near the flange (4) and smaller near the bottom of the body (12). In reference to claims 7 and 8, the slot has relieved surfaces (30) and is provided with teeth (18). Regarding claims 10 and 17, the teeth (18) engage a screw (42) that widens the slot (14) as in figure 9. In reference to claims 12,15 and 19, the flange includes a recess (R) followed by a cylindrical hollow space of the core (CO).

***Claim Rejections - 35 USC § 103***

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #5,312,215 to ANQUETIN. ANQUETIN discloses the basic claimed plug except for explicitly disclosing teeth that get smaller. Although ANQUETIN is silent in this regard, it would have been an obvious matter of design choice to one having ordinary skill in the art at the time the invention was made to make the teeth smaller where a tighter grip is desired. Having smaller teeth towards the ends of the plug would aid in retaining the screw within the plug member.

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***Response to Arguments***

10. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909.

YMH

A handwritten signature in black ink, appearing to be 'YMH' with a stylized flourish at the end.

December 2, 2002

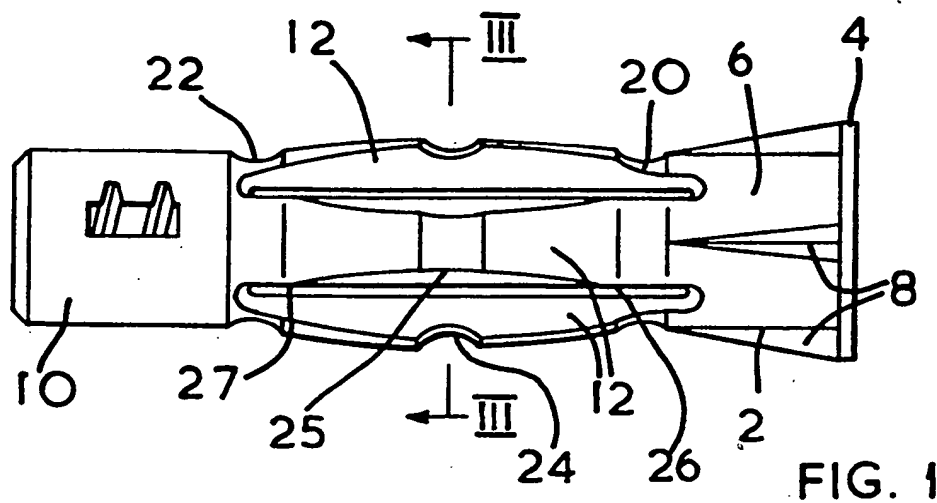


FIG. 1

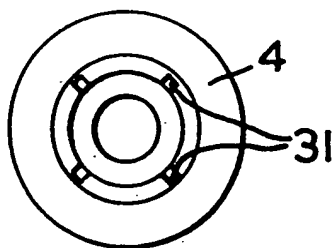


FIG. 10

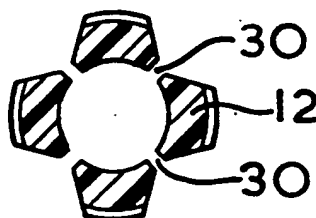
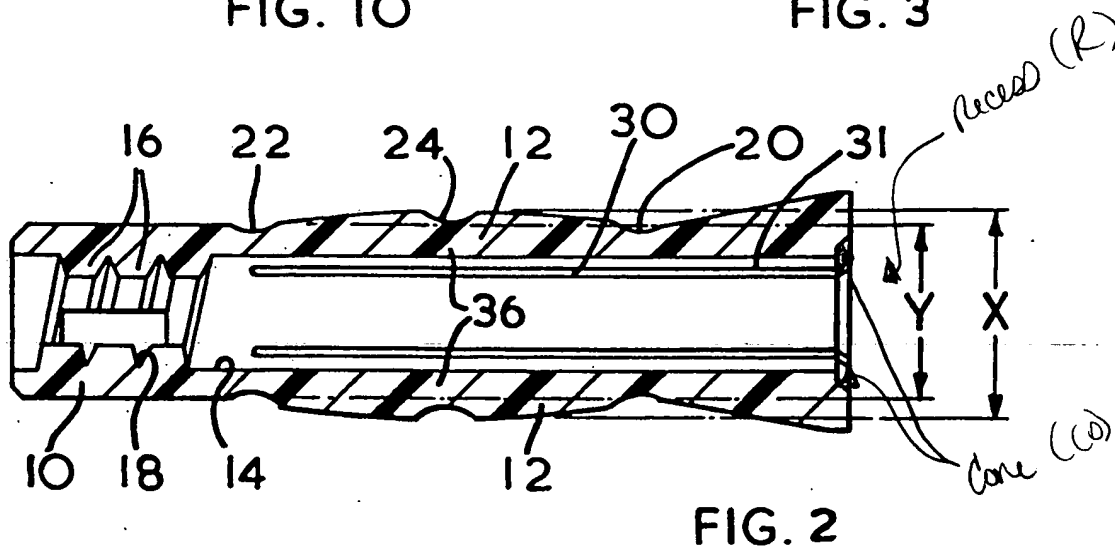


FIG. 3



**FIG. 2**